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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

NUTRAQUEST, INC.
PERSONAL INJURY CASES.

Hon. Garrett E. Brown, Jr., Chief Judge

Civil No.: 03-5869 (GEB)

OMNIBUS ORDER DISMISSING SETTLED PERSONAL INJURY CASES

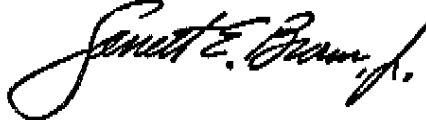
THIS MATTER having come before the Court upon the application of Nutraquest, Inc. (the "Debtor") pursuant to and in accordance with the Debtor's Third Modified Chapter 11 Plan of Reorganization (the "Plan") for the entry of an Order dismissing with prejudice and without costs each of the personal injury and wrongful death actions identified on Schedule A attached hereto (the "Settled PI Cases"); and the Settled PI Cases having been the subject of the Global Settlement and Funding Agreement and Release of Claims Relating to Ephedra Personal Injury Cases (the "PI Agreement"), which has been fully executed by the parties thereto and their counsel and which was approved by the Court pursuant to paragraph 24 of the Findings of Fact, Conclusions of Law and Order Confirming Debtor's Third Modified Plan of Reorganization entered on November 3, 2006 (the "Confirmation Order"), which is now final and non-appealable; and the settlements of the Settled PI Cases having been fully consummated pursuant to the Plan; and upon the consent of all parties to the PI Agreement, all of whom, pursuant to paragraph 10 of the PI Agreement, agreed to the dismissal with prejudice and without costs of

the Settled PI Cases upon the consummation of the settlements in accordance with the PI Agreement, the Plan, and the Confirmation Order; and the Court having further determined that those wrongful death and personal injury actions listed on Schedule "B" which have been fully settled and funded but which cannot yet been paid, due to the failure of plaintiffs' counsel to file either (i) the requisite motions to approve settlements in cases involving minors, or (ii) a timely motion for a structured settlement, should be dismissed subject to reopening as set forth below ("Dismissed PI Cases"), and for good cause shown,

IT IS on this 28th day of December, 2006;

ORDERED that:

1. The Debtor's application is GRANTED.
2. The Settled PI Cases, as identified on Schedule A, are hereby dismissed in their entirety, with prejudice and without costs to any party.
3. The Dismissed PI Cases identified in Schedule B, are hereby dismissed, in their entirety, subject to reopening by the Court upon the filing of a motion, on notice, by any party within 60 days of the date of entry of the Order, and if no such motion is timely filed, said dismissal shall be with prejudice.
4. The Clerk of the Court is hereby directed to file a copy of this Order in each of the Settled PI Cases listed on Schedule A and the Dismissed PI Cases listed on Schedule B.
5. Counsel for the Debtor is hereby directed to serve a copy of this Order upon all counsel of record in the Settled PI Cases and the Dismissed PI Cases.



GARRETT E. BROWN, JR., CHIEF JUDGE

SCHEDULE A – Settled PI Cases

No.	NAME/DOCKET/ CASE CAPTION
1.	04-cv-3103 David Adams v. Nutraquest f/k/a Cytodyne Technologies, Inc., et al.
2.	04-cv-680 Daniel Addo v. Cytodyne Technologies, Inc; et al..
3.	04-cv-681 Jose Aguilar v. Cytodyne Technologies, Inc.
4.	04-cv-4656 Jenny Alvarez v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
5.	04-cv-5581 Sally Blinn, as Personal Representative of the Estate of John Angelos v. General Nutrition Corporation, et al.
6.	04-cv-4611 Eileen Antoniolo v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
7.	04-cv-3302 Matthew Phillips as the Administrator of the Estate of Michael J Archer v. GNC, et al.
8.	04-cv-4116 Brittany Baker v. General Nutrition Corporation, et al.
9.	04-cv-4604 Willie Ballard v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
10.	05-cv-3844 Jerome Banks as Personal Representative of and, Administrator of the Estate of Tyronc Banks v. GN Oldco Corporation, et al.
11.	04-cv-3264 Aileen Barretti and Michael Barretti v. General Nutrition Corp., et al
12.	04-cv-4655 Daniel Bassignana and Maria Rosa Bassignana, individually and as representatives of Kristopher Bassignana, a minor v. Nutraquest, f/k/a Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
13.	04-cv-3134 Mary Beatty (Wise) v. Nutraquest Inc., f/k/a Cytodyne Technologies, Inc.
14.	04-cv-4821 Ernest Bechler, Patricia Bechler and Michael Bechler v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc.
15.	04-cv-1130 Kiley Bechler v. Cytodyne Technologies, Inc
16.	04-cv-3113 Cindy Bell v. Nutraquest f/k/a Cytodyne Technologies, Inc., et al.
17.	04-cv-0684 Angela Bennett v. Cytodyne Technologies, Inc, Nutraquest, Inc, et al.

18.	04-cv-0685 Anna Amanda Bernacchia, et al. v. Cytodyne Technologies, et al.,
19.	04-cv-3115 Zack Biggs, individually, as representative of the estate of Terry Wayne Biggs, deceased v. Nutraquest Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
20.	Edward Bonner and Anna Maric Bonner v. Nutraquest, Inc.
21.	04-cv-0818 Lisa Borgesc v. Cytodyne Technologies, Inc., et al.
22.	04-cv-4734 Marilyn Brinkley v. Nutraquest, Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
23.	04-cv-3109 Jessie Brown v. Nutraquest f/k/a Cytodyne Technologies, Inc., et al.
24.	04-cv-5122 Yvette Brown v. GNC
25.	04-cv-4665 Richard S. Butkowski v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
26.	04-cv-0687 Carlos Manuel Calvo v. Cytodyne Technologies, Inc., et al.
27.	04-cv-5582 Connie Camacho v. Nutraquest Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
28.	04-cv-0688 Judith Campbell v. Cytodyne Technologies Inc.;
29.	04-cv-0689 Derrow W. Carter v. Cytodyne Technologies, Inc., et al
30.	04-cv-3108 Carrie Catlett v. Nutraquest, Inc. f/k/a Cytodyne Technologies, et al
31.	04-cv-1079 Kelly S. Coberly v. Cytodyne Technologies, et al.
32.	04-cv-0969 Darin Cohen, et al. v. Robert Chinery, et al.
33.	04-cv-4647 Linda Cole v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
34.	04-cv-4119 Joyce Conover v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
35.	04-cv-0690 Earline Cook, surviving spouse of Henry L. Cook v. Cytodyne Technologies, Inc., et al.

36.	04-cv-3760 Charlene Cooley v. Cytodyne Technologies, Inc., et al.
37.	04-cv-3230 Gary Cooper v. Nutraquest, Inc., et al.
38.	04-cv-0820 Darren Crawford v. Nutraquest, Inc., a New Jersey Corporation f/k/a Cytodyne Technologies, et al.
39.	04-cv-3261 Alton Cromartie v. Muscletech Research and Development, et al.
40.	04-cv-0693 Gregory Delagarde v. Cytodyne Technologies, Inc., et al.
41.	04-cv-3114 Dawn L. Dingess, individually and as representative of the estate of Jeffrey Dingess, deceased, v. Nutraquest Inc. f/k/a Cytodyne Technologies, Inc.
42.	04-cv-4605 Amy Donnelly v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
43.	04-cv-3122 Cheryl Dunlap v. Nutraquest f/k/a Cytodyne Technologies, Inc., et al.
44.	04-cv-3131 Susan Durant v. Nutraquest Inc., f/k/a Cytodyne Technologies, Inc.
45.	04-cv-2850 Robert Ebron v. Nutraquest
46.	04-cv-4657 Gloria Elkins v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
47.	04-cv-3228 Timothy Evers v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
48.	04-cv-2343 Maria Figueroa v. Cytodyne Technologies, et al.
49.	04-cv-3107 Gennaro Gambardella, Sr. Individually and as Administrator of the Estate of Gennaro Gambardella, Jr. v. Nutraquest, Inc. f/k/a Cytodyne Technologies, et al.
50.	04-cv-3227 Stephanie Gonzales v. Nutraquest Inc., f/k/a Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc.,
51.	04-cv-4666 Samantha Grant v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
52.	04-cv-4606 Rickey Green v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc.
53.	04-cv-6084 William Griffin v. Muscletech Research and Development, et al.

54.	04-cv-4733 Diana Grisby v. Nutraquest, Inc., f/k/a Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
55.	05-cv-03845 John E.D. Grunow v. Cytodyne Technologies Inc, et al.
56.	04-cv-4009 Michelle Hagy v. Cytodyne Technologies, Inc. n/k/a Nutraquest, Inc., et al.
57.	04-cv-4010 Melinda Heard v. Cytodyne Technologies, Inc., n/k/a Nutraquest, Inc., and Walmart Store, Inc.,
58.	04-cv-00934 Lawrence Higbee, Individually and as Personal Representative of the Estate of Donna R. Higbee, deceased. v. Cytodyne Technologies, Inc., a foreign corporation, et al.
59.	04-cv-3262 Debra Holcomb, et al. v. Cytodyne Technologies, Inc., et al.
60.	04-cv-4117 Patricia Hollerbach, et al. v. Metabolife International, Inc., et al.
61.	04-cv-3761 Linda Holton and Harlan Holton v. Cytodyne Technologies, Inc., et al.
62.	04-cv-3128 Diane Hughes v. Nutraquest Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
63.	04-cv-5148 Dena Hurtado v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
64.	04-cv-4012 Deborah Johnson v. Cytodyne Technologies, Inc., n/k/a Nutraquest, Inc., et al.
65.	04-cv-4917 Virginia Johnson v. Nutraquest, Inc. f/k/a Cytodyne Technologies, et al.
66.	04-cv-4603 George Just v. Cytodyne Technologies, Inc., et al.
67.	04-cv-4651 Teresa M. Kelley v. Nutraquest, Inc, f/k/a Cytodyne Technologies, Inc., et al.
68.	04-cv-3138 Queen Kellybrew v. Nutraquest, Inc, f/k/a Cytodyne Technologies, Inc.
69.	04-cv-0935 Farrukh Khan v. Cytodyne Technologies, Inc..
70.	04-cv-3124 Rose Kramer, Individually, as Representative of the estate of Rolf Michael Kramer, deceased, and on behalf of Savannah K. Kramer and Cameron M. Kramer, Minors v. f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
71.	04-cv-3263 Katherine Ladmirault v. Cytodyne Technologies, Inc., et al
72.	04-cv-1081 Jonathan & Nancy LaMarsh v. Cytodyne Technologies

73.	04-cv-3112 Terri Lett v. Nutraquest, Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
74.	04-cv-0695 Carol Leuenhagen and Kevin Leuenhagen, individually and on behalf of Ryan Pederson and Tyler Leuenhagen, minors v. Nutraquest, Inc, f/k/a Cytodyne Technologies, Inc.
75.	05-cv-2118 John Henry Lewis v. Nutraquest, Inc f/k/a Cytodyne Technologies, Inc., et al.
76.	04-cv-2018 Winston Lindsley v. Nutraquest, f/k/a Cytodyne Technologies, Inc., et al.
77.	04-cv-4652 Michael Lloyd v. Nutraquest, Inc, f/k/a Cytodyne Technologies, Inc., et al.
78.	04-cv-3645 Joseph Loiseau and Arlene Loiseau v. Cytodyne Technologies, Inc., et al.
79.	04-cv-3021 Joanne Long and Kenneth Long v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
80.	04-cv-4692 Martha Lopez v. Nutraquest, Inc., as successor in interest to Cytodyne Technologies, Inc.
81.	04-cv-4653 Stephanie Love v. Nutraquest, Inc, f/k/a Cytodyne Technologies, Inc., et al.
82.	04-cv-3101 Elizabeth Maag v. Cytodyne Technologies Inc.
83.	04-cv-1285 Rafael Manrique, Individually and as representative of the estate of Rafael Manrique De Lara, Jr. and Dora Estela Manrique, Individually and as representative of the estate of Rafael Manrique De Lara, Jr. v. Cytodyne Technologies Inc., et al.
84.	04-cv-0696 Juan Marquez v. Cytodyne Technologies, Inc., et al.
85.	04-cv-4615 Elena Martin v. Nutraquest, Inc, f/k/a Cytodyne Technologies, Inc., et al.
86.	04-cv-0697 Bessy Martinez v. Cytodyne Technologies, Inc., et al.

87.	04-cv-3123 Marci Mayotte v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
88.	04-cv-3133 Misty McCormack, individually and on behalf of Breanna Ness and Brittany McCormack, minors, v. Nutraquest Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
89.	04-cv-0698 John David Miller v. Cytodyne Technologies, Inc., et al.
90.	04-cv-4648 Norman Miller v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
91.	04-cv-1082 Gary Minor v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
92.	04-cv-0936 Patricia Mountcastle v. Cytodyne International, LLC f/k/a Cytodyne Technologies, Inc., et al.
93.	04-cv-4660 Mary Ann Naclerio v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
94.	04-cv-3229 Delancy Newsom v. Nutraquest, Inc. f/k/a Cytodyne Technologies
95.	04-cv-4649 Keith Niemand v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
96.	04-cv-0824 Cathleen Olmstead v. Cytodyne Technologies, Inc., a New Jersey Corporation, et al.
97.	05-cv-1150 Katonya Outlaw v. Metabolife International, Inc., et al.
98.	04-cv-0937 Bettie Parker v. Cytodyne Technologies, Inc., et al.
99.	04-cv-3303 Catherine Penn v. Cytodyne Technologies, Inc., et al.
100.	04-cv-3304 Donna Pope v. Cytodyne Technologies, Inc., et al.
101.	04-cv-4619 Carol Poycr v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
102.	04-cv-3102 Rebecca Reeves v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
103.	04-cv-0938 Patricia O. Reyes v. Cytodyne Technologies, Inc., et al.
104.	04-cv-0825 Melissa Richards et al., v. Cytodyne Technologies, Inc et al.

105.	04-cv-3105 Anna Rodriguez v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
106.	04-cv-1083 Richard Rudis and M. Catherine Rudis v. Cytodyne Technologies, Inc., et al.
107.	04-cv-0939 Raymond Ruszkowski v. Cytodyne Technologies, Inc., et al.
108.	04-cv-4607 Ken Rutherford v. Individually and as Administrative of the Estate of Wanda Rutherford, Deceased v. Nutraquest, Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
109.	04-cv-0699 Eloy Sanchez v. Cytodyne Technologies, Inc., et al.
110.	04-cv-4661 James Santry v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
111.	04-cv-3265 Nicholas Sexton v. General Nutrition Corporation, General Nutrition, Inc, a Pennsylvania Corporation, et al.
112.	04-cv-4667 Robert Shackford v. Cytodyne Technologies, Inc., et al.
113.	04-cv-4659 Theresa Sharp v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
114.	04-cv-3130 Pamela Shrable v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
115.	04-cv-3106 Jamie Sloop v. Nutraquest, Inc. f/k/a Cytodyne Technologies, et al.
116.	04-cv-3117 Harrison Smith v. Nutraquest, Inc. f/k/a Cytodyne Technologies et al.
117.	04-cv-4612 Diane Spates v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
118.	04-cv-3300 Jerod Stephens v. Cytodyne Technologies, Inc., et al.
119.	04-cv-4608 Michael Stern v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
120.	04-cv-4613 Robert Stoughton v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
121.	04-cv-3104 Kendrick Taylor v. Nutraquest, Inc. f/k/a Cytodyne Technologies, et al.
122.	04-cv-4663 Marlene Tholen v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc., et al.
123.	04-cv-3149 Karen Thomas v. Nutraquest, Inc. f/k/a Cytodyne Technologies et al.

124.	04-cv-1084 Mary Timblin v. Cytodyne Technologies, Inc., et al.
125.	05-cv-4970 Wesley Vanlandingham v. Nutraquest Inc., f/k/a Cytodyne Technologies, Inc., et al.
126.	04-cv-2849 Clarissa Wells v. Nutraquest, Inc.
127.	04-cv-3129 Caroll L. Wescott and John M. Wescott, individually and on behalf of Douglas M. Wescott, a minor v. Nutraquest Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
128.	04-cv-3116 Charles Whitehurst and Sandra Whitehurst v. Nutraquest Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
129.	04-cv-3301 Ronnie Wilkins and Laurie M. Wilkins v. Cytodyne Tech., et al.
130.	04-cv-4609 Willie Ann Williams v. Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
131.	04-cv-4015 Alisha Wilson v. Cytodyne Technologies, Inc., n/k/a Nutraquest, Inc., et al.
132.	04-cv-1085 Saranyelina Wilson v. Cytodyne Technologies, et al.
133.	04-cv-3127 Amanda Youngs v. Nutraquest Inc., f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
134.	04-cv-4646 Doreen Zimak v. Nutraquest, Inc. f/k/a Cytodyne Technologies, et al.

SCHEDULE B – Dismissed PI Cases

No.	NAME/DOCKET/ CASE CAPTION
1.	04-cv-3148 Walter A. Bridges and Susan C. Bridges, individually, and on behalf of Justin T. Bridges, a minor v. Nutraquest Inc., f/k/a Cytodyne Technologies, Inc.
2.	04-cv-3135 Kimberly Cooper and James S. Cooper, individually and on behalf of Jolisha Cooper, Rashien Cooper and Radiant Cooper, minors v. Nutraquest, Inc. f/k/a Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc.
3.	Alvaro Greve v. Nutraquest, Inc. (no civil number assigned)
4.	04-cv-4662 Michelle Holland v. Nutraquest, Inc. f/k/a Cytodyne Technologies, Inc., et al.
5.	04-cv-3110 Edwards J. Mathews and Christie Mathews, individually and on behalf of Eric J. Mathews, a minor v. Nutraquest Inc. f/k/a Nutraquest, Inc., f/k/a Cytodyne Technologies, Inc.
6.	04-cv-0933 Joanne E. Peeples, Richard H. Peeples, III, her husband, Richard H. Peeples, IV, her minor son and Brett Peeples, her minor son. v. Cytodyne Technologies, Inc., et al.